

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 4451 of 2017

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Prem Prasad Sharma, son of Sri Ganauri Prasad Sharma, resident of Mohalla- West Ashok Nagar, Road No. 5B, Kankarbagh, District- Patna.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Government of India, Ministry of Communications, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Director General, Government of India, Ministry of Communications, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
3. The Director (DE), O/o the D.G. Government of India, Ministry of Communications, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
4. The Assistant Director General (DE), O/o the D.G. Government of India, Ministry of Communications, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
5. The Chief Post Master General, Bihar Circle, Patna.
6. The Asstt. Director (S & R), O/o the Chief Post Master General, Bihar Circle, Patna.
7. The Ramaligam R. through the Chief Post Master General, Tamil Nadu, Chennai.
8. Sri Janardan Reddy, Karnathi, through the Chief Post Master General, Andhra Pradesh Circle, Andhra Pradesh, Hyderabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar
For the Respondent/s : Mr. S.D Sanjay (ADDL. SOC. GEN.)

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 01-05-2017

There is a limit to which Courts can give indulgence to an otherwise unsuccessful and sub-standard candidate, who is looking for benefit of promotion through departmental examination by innovating on questions of law one after the other.

Initially the issue arose about the eligibility of the petitioner of being permitted to participate in the examination. He



approached the Central Administrative Tribunal, which ordered as interim measure to participate in the examination. He participated in the examination, but failed to get requisite minimum eligibility. The minimum qualifying marks was 150, but he had obtained 147 out of 300 in paper one.

When this effort of the petitioner failed, after more than one year of declaration of the result he started a second limb of legal attack by saying that five of the questions were wrong and, therefore, the re-evaluation should be done on the basis of deletion of those questions.

This is what the Tribunal had to say in paragraph 7 of the order impugned:

“7. Now the question of eligibility with regard to the qualifying service is no longer relevant because the applicant has been shown to have failed in the examination having obtained 147 out of 300 in paper I against qualifying marks of 150. Having found that in the total marks obtained taking both the papers together he is within the zone of selection, the applicant has chosen to now challenge the question and answer key of the paper I. As for his claim that five questions were wrong that should have been apparent right after he took the examination. For that he did not have to wait for more than one year after taking the examination. It appears from the document submitted by the applicant as well as according to the common practice that



the answer key and the questions were uploaded on the website soon after the examination. This is with a view that anyone can represent before the authorities pointing errors, if any, well before the result are published. It is not uncommon for the authorities to correct the answer key or delete certain wrong question from evaluation and adjust the qualifying marks accordingly based on the representations received from the applicants. Such representations are examined by the experts and on the basis of their recommendation the competent authorities take necessary corrective action across the board applicable to all the examinees. It was open to the applicant to submit representation about wrong questions soon after the examination. Instead he chose to do it only in the present OA filed on 31.12.2012 by him which is a year and half after the said examination.”

The Court is in agreement with the logic and rational provided by the learned Members of the Tribunal. The bona fide of the petitioner is missing with regard to the challenge or effort which he tried to make after having failed, to somehow attack questions and answers, to be placed for evaluation. He seems to be the only candidate, who is aggrieved by the said exercise because there is nothing on record to show that any other candidate had raised question of any question or answer being wrong.

These are futile efforts, which are being made by otherwise undeserving candidate, who failed and promotion, which



he does not deserve.

No interference is warranted with the impugned order
of the Central Administrative Tribunal.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
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